



General Assembly

January Session, 2001

***Amendment***

LCO No. 7298

Offered by:

SEN. DAILY, 33<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 1216

File No. 773

Cal. No. 253

***"AN ACT CONCERNING ZONING REQUIREMENTS FOR  
RESIDENCES FOR CHILDREN WITH MENTAL OR PHYSICAL  
DISABILITIES."***

1 After line 43, add the following and renumber the remaining section  
2 accordingly:

3 "Sec. 4. Section 12-20a of the general statutes is repealed and the  
4 following is substituted in lieu thereof:

5 On or before January first, annually, the Secretary of the Office of  
6 Policy and Management shall determine the amount due to each  
7 municipality in the state, in accordance with this section, as a state  
8 grant in lieu of taxes with respect to (1) real property owned by any  
9 private nonprofit institution of higher education or any nonprofit  
10 general hospital facility or free standing chronic disease hospital or an  
11 urgent care facility that operates for at least twelve hours a day and  
12 that had been the location of a nonprofit general hospital for at least a  
13 portion of calendar year 1996 to receive payments in lieu of taxes for  
14 such property, exclusive of any such facility operated by the federal

15 government or the state of Connecticut or any subdivision thereof, and  
16 (2) on and after July 1, 2003, real property used for (A) any community  
17 residence which houses six or fewer mentally retarded persons and  
18 necessary staff persons and which is licensed under the provisions of  
19 section 17a-227, or (B) any child-care residential facility which houses  
20 six or fewer children with mental or physical disabilities and necessary  
21 staff persons and which is licensed under sections 17a-145 to 17a-151,  
22 inclusive. As used in this section "private nonprofit institution of  
23 higher education" means any such institution engaged primarily in  
24 education beyond the high school level, the property of which is  
25 exempt from property tax under any of the subdivisions of section 12-  
26 81; "nonprofit general hospital facility" means any such facility which  
27 is used primarily for the purpose of general medical care and  
28 treatment, exclusive of any hospital facility used primarily for the care  
29 and treatment of special types of disease or physical or mental  
30 conditions; and "free standing chronic disease hospital" means a  
31 facility which provides for the care and treatment of chronic diseases,  
32 excluding any such facility having an ownership affiliation with and  
33 operated in the same location as a chronic and convalescent nursing  
34 home. The grant payable to any municipality under the provisions of  
35 subdivision (1) of this section in the state fiscal year commencing July  
36 1, 1999, and in each fiscal year thereafter, shall be equal to seventy-  
37 seven per cent of the property taxes which, except for any exemption  
38 applicable to any such institution of higher education or general  
39 hospital facility under the provisions of section 12-81, would have been  
40 paid with respect to such exempt real property on the assessment list  
41 in such municipality for the assessment date two years prior to the  
42 commencement of the state fiscal year in which such grant is payable.  
43 The grant payable to any municipality under the provisions of  
44 subdivision (2) of this section in the state fiscal year commencing July  
45 1, 2003, and in each fiscal year thereafter, shall be equal to one hundred  
46 per cent of the property taxes which, except for any exemption  
47 applicable to any such community residence or any such child-care  
48 facility under the provisions of section 12-81, would have been paid  
49 with respect to such exempt real property on the assessment list in

50 such municipality for the assessment date two years prior to the  
51 commencement of the state fiscal year in which such grant is payable.  
52 The amount of the grant payable to each municipality in any year in  
53 accordance with this section shall be reduced proportionately in the  
54 event that the total of such grants in such year exceeds the amount  
55 appropriated for the purposes of this section with respect to such year.  
56 As used in this section and section 12-20b the word "municipality"  
57 means any town, consolidated town and city, consolidated town and  
58 borough, borough, district, as defined in section 7-324, and any city not  
59 consolidated with a town.

60 Sec. 5. Subdivision (2) of subsection (e) of section 10-76d of the  
61 general statutes is repealed and the following is substituted in lieu  
62 thereof:

63 (2) Notwithstanding any other provisions of the general statutes, for  
64 the fiscal year ending June 30, 1987, and each fiscal year thereafter,  
65 whenever a public agency, other than a local or regional board of  
66 education, the State Board of Education or the Superior Court acting  
67 pursuant to section 10-76h, places a child in a foster home, group  
68 home, hospital, state institution, receiving home, custodial institution  
69 or any other residential or day treatment facility, and such child  
70 requires special education, the local or regional board of education  
71 under whose jurisdiction the child would otherwise be attending  
72 school or, if no such board can be identified, the local or regional board  
73 of education of the town where the child is placed, shall provide the  
74 requisite special education and related services to such child in  
75 accordance with the provisions of this section. Within [one] two  
76 business [day] days of such a placement by the Department of  
77 Children and Families, said department shall orally notify the local or  
78 regional board of education responsible for providing special  
79 education and related services to such child of such placement. The  
80 department shall provide written notification to such board of such  
81 placement within two business days of the placement. Within two  
82 business days of such placement, the department shall notify the local  
83 or regional board of education under whose jurisdiction the child

84 would otherwise be attending school of such placement and request  
85 that such local or regional board of education provide a copy of the  
86 individualized education program to the local or regional board of  
87 education of the town where the child is placed. Such local or regional  
88 board of education shall convene a planning and placement team  
89 meeting for such child within thirty days of the placement and shall  
90 invite a representative of the Department of Children and Families to  
91 participate in such meeting. (A) The local or regional board of  
92 education under whose jurisdiction such child would otherwise be  
93 attending school shall be financially responsible for the reasonable  
94 costs of such special education and related services in an amount equal  
95 to the lesser of one hundred per cent of the costs of such education or  
96 the average per pupil educational costs of such board of education for  
97 the prior fiscal year, determined in accordance with the provisions of  
98 subsection (a) of section 10-76f. The State Board of Education shall pay  
99 on a current basis, except as provided in subdivision (3) of this  
100 subsection, any costs in excess of such local or regional board's basic  
101 contributions paid by such board of education in accordance with the  
102 provisions of this subdivision. (B) Whenever a child is placed pursuant  
103 to this subdivision, on or after July 1, 1995, by the Department of  
104 Children and Families and the local or regional board of education  
105 under whose jurisdiction such child would otherwise be attending  
106 school cannot be identified, the local or regional board of education  
107 under whose jurisdiction the child attended school or in whose district  
108 the child resided at the time of removal from the home by said  
109 department shall be responsible for the reasonable costs of special  
110 education and related services provided to such child, for one calendar  
111 year or until the child is committed to the state pursuant to section  
112 46b-129 or 46b-140 or is returned to [his] such child's parent or  
113 guardian, whichever is earlier. If the child remains in such placement  
114 beyond one calendar year the Department of Children and Families  
115 shall be responsible for such costs. During the period the local or  
116 regional board of education is responsible for the reasonable cost of  
117 special education and related services pursuant to this subparagraph,  
118 the board shall be responsible for such costs in an amount equal to the

119 lesser of one hundred per cent of the costs of such education and  
120 related services or the average per pupil educational costs of such  
121 board of education for the prior fiscal year, determined in accordance  
122 with the provisions of subsection (a) of section 10-76f. The State Board  
123 of Education shall pay on a current basis, except as provided in  
124 subdivision (3) of this subsection, any costs in excess of such local or  
125 regional board's basic contributions paid by such board of education in  
126 accordance with the provisions of this subdivision. The costs for  
127 services other than educational shall be paid by the state agency which  
128 placed the child. The provisions of this subdivision shall not apply to  
129 the school districts established within the Department of Children and  
130 Families, pursuant to section 17a-37, the Department of Correction,  
131 pursuant to section 18-99a, or the Department of Mental Retardation,  
132 pursuant to section 17a-240, provided in any case in which special  
133 education is being provided at a private residential institution,  
134 including the residential components of regional educational service  
135 centers, to a child for whom no local or regional board of education  
136 can be found responsible under subsection (b) of this section, Unified  
137 School District #2 shall provide the special education and related  
138 services and be financially responsible for the reasonable costs of such  
139 special education instruction for such children."